**THE HON'BLE SRI JUSTICE B. SESHASAYANA REDDY**

WRIT PETITION NO.11176 OF 2005

**Date:02-08-2005**

Between:

Mohd.Mohiuddin Ali …Petitioner

and

The A.P.Housing Board and others ….Respondents

**THE HON'BLE SRI JUSTICE B. SESHASAYANA REDDY**

WRIT PETITION NO.11176 OF 2005

ORDER:

When W.P.M.P.No.14333 of 2005 has come up for hearing, both the parties have consented for disposal of the writ petition itself and accordingly the writ petition is taken up for hearing and the same being disposed of by this order.

The petitioner is a tenant of the shops bearing Nos.1 to 3 of M8 Block

situated in APHB Complex, M.J. Road, Hyderabad, having taken them on lease from the respondent-Board. When the petitioner fell in arrears of rent, the respondent-Board issued a notice dated 08-06-2004 demanding payment of said arrears, to which the petitioner submitted a reply dated 26-06-2004. It is also stated that the petitioner filed O.S.No.2868 of 2004 for perpetual injunction and moved I.A.No.780 of 2004 on the file of the I Senior Civil Judge, City Civil Court, Hyderabad, and obtained interim injunction restraining the respondent-Board from interfering including dispossession of the petitioner pending disposal of the suit. The respondent-Board filed an application under Sections 52 to 56 of Andhra Pradesh Housing Board Act, 1956 (hereinafter referred to as 'the Act') before the competent authority-Tribunal, the second respondent. The competent authority issued the impugned notice dated 08-04-2005 directing the petitioner to pay the arrears and vacate the premises. Assailing the said notice, the present writ petition has been filed.

The learned counsel for the petitioner submits that the second respondent, without conducting any enquiry, is not justified in issuing the impugned notice directing the petitioner to vacate the premises.

The learned standing counsel for the second respondent submits that the petitioner would be given an opportunity before passing any orders in the proceedings initiated under Sections 52 to 56 of the Act.

It has come on record that the respondent-Board has filed a petition before the competent authority-Tribunal, the second respondent, by invoking the provisions of Sections 52 to 56 of the Act. The relief claimed by the respondent-Board in the said petition reads as follows:

> "*Therefore, it is prayed that the Competent Authority pleased to pass suitable orders on the following:*
>
> *1. To direct the respondent to pay the arrears of rent, electricity charges that are due as on February, 2005 amounting to Rs.19,44,711.00 with interest, failure to pay the arrears pass necessary orders for his eviction from the suit premises.*

2. *To collect damages @ 5%*

*3. Costs.*"

It is represented by the learned counsel on either side that the proceedings initiated before the competent authority are pending adjudication. In the circumstances, I deem it appropriate to direct the respondent-Board to proceed further after adjudication of the dispute pending before the second respondent. Since the competent authority-Tribunal, the second respondent, has already taken cognizance of the petition filed by the respondent-Board, the petitioner is at liberty to file his written statement before it, within a period of two weeks from the date of receipt of a copy of this order. Thereupon, the second respondent shall dispose of the matter after hearing the parties concerned within a period of four weeks.

With the above directions, the writ petition is disposed of. No costs.

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**(B. SESHASAYANA REDDY, J)**

Date:02-08-2005

Note:

Issue CC in one week.

B/o

ghn